

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

TIMOTHY DUMPSON & MOSES ORTEGA,

Plaintiffs,

00-CV-6039-CJS

-vs-

ORDER

GLENN S. GOORD, *et al.*,

Defendants.

A Suggestion of Death regarding Thomas A. Coughlin, III, and James Meck has been filed on February 4, 2009, by Assistant New York Attorney General Maritza Buitrago. Pursuant to Rule 25(a) of the Federal Rules of Civil Procedure, the Court may order substitution of the decedent's successor or representative. The Suggestion of Death filed here, however, does not identify the representative of either decedent. While Rule 25 does not require that the Suggestion of Death be filed by, or identify, a representative, *Unicorn Tales, Inc. v. Banerjee*, 138 F.3d 467 (2d. Cir. 1998), the Court is cognizant of the difficulty a plaintiff may have in determining and locating the proper party for substitution. Plaintiffs here are inmates who have been granted permission to proceed *in forma pauperis*. Each is represented by *pro bono* counsel.

Accordingly, the time in which to make the motion for substitution of parties is hereby extended for 90 days after the identity of each representative has been provided. Once an identity and address for an Estate's representative has been provided, Plaintiffs may move for substitution of that representative for the Estate in the place of the decedent. Additionally, Plaintiffs are directed to prepare the U. S. Marshal

forms necessary for service of a copy of the motion for substitution upon the representative, unless the representative indicates that service may be made by other means.

IT IS SO ORDERED.

Dated: February 18, 2009
Rochester, New York

ENTER:

/s/ Charles J. Siragusa
Charles J. Siragusa
United States District Judge